

OPINION  
73-254

March 1, 1973 (OPINION)

The Honorable Wayne G. Sanstead  
Lieutenant Governor  
State Capitol  
Bismarck, North Dakota

Dear Mr. Sanstead:

This is in reply to your letter of march 1, 1973, in which you request an opinion from this office clarifying a question that has arisen regarding House Bill 1200 which provides for a conditional transfer of funds to the college building fund. The question is whether the amount of state funds designated for a particular building limits the cost of the building to that amount or whether the cost of the building could be supplemented by private funds.

The question appears to raise out of the language used in section two of the bill which appropriates the moneys from the college building fund for the construction, etc., of the buildings specified therein. The section provides the appropriation is for the construction, etc., of the buildings "for the purposes as follows and within the limitations of the costs hereafter stated." The section then lists specific institutions, types of facility and state funds for each. The section contains a further provisions which reads as follows:

"In no event shall any facility exceed the cost indicated in the column 'State Funds' except to the extent funds may be received from federal and private sources."

The first provision quoted above limits the amount of state funds which may be expended for the construction, etc., of any specific building. Without further statement, this provision might be considered to limit the total amount which could be expended for any building, regardless of the source of funds. However, the second provisions, quoted above, clearly indicates that the specified cost for each building may be exceeded to the extent funds are available from federal and private sources. To hold that the cost listed under "State Funds" could not be exceeded by private and federal sources would render such provision meaningless. It is a rule of statutory construction that the legislature is not presumed to indulge in idle acts and, therefore, such words must be given their plain meaning.

It is our opinion that the amount of state funds designated for a particular building does not limit the cost of the building if private and federal funds are available for the construction, etc., of such building. If private and federal funds are available, the cost of the building listed under the column "State Funds" may be exceeded to the extent such private and federal funds are available.

Sincerely yours,

Allen I. Olson

Attorney General